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EXAMINER CARTER, CANDICE D				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@ll-a.com  
gengelso@ll-a.com

### Office Action Summary

**Application No.**

10/616,371

**Applicant(s)**

WOLFF, MARYANN WALSH

**Examiner**

CANDICE D. CARTER

**Art Unit**

3629

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,5-8,10 and 14-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-8,10 and 14-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

### **DETAILED ACTION**

1. The Following is a Final Office Action in response to communications received on July 8, 2008. Claims 1, 10, and 33 have been amended. Claims 2, 4, 9, and 11-13 have been cancelled. Claims 34-38 have been added. Therefore, claims 1, 3, 5-8, 10, and 14-38 are pending and have been addressed below.

#### ***Response to Amendment***

2. Applicant has cancelled claims 2 and 11-13 to overcome the 35 U.S.C. 112, second paragraph rejections. Examiner withdraws all 35 U.S.C. 112, second paragraph rejections with respect to these claims.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 8 and 16-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The mention of specifying a confidence factor for respective tasks is not described in the spec in such a way as to enable a person having ordinary skill in the pertinent art accomplish this task. It is unclear how the confidence factors are determined. The disclosure lacks direction in how to properly define and assign confidence factors to the plurality of tasks. The concept of defining confidence factors is

not necessitated by the prior art and one skilled in the art would be unable to know how to complete this step.

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. **Claims 1, 3, and 5-8, and 33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

Claims 1, 3, 5-8 are directed towards a computer implemented method of managing a project. Examiner asserts that the computer implemented method recited in the preamble of claim 1 is merely a nominal recitation of technology and is not sufficient in meeting the statutory requirements of this title.

Examiner contends that a process must be (1) tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. Neither of these requirements is met by these claims, therefore, these claims do not qualify as a statutory process.

Claim 33 is directed towards a computer implemented system for managing a project consisting essentially of software modules. The term "module" is not recited as having corresponding structure in the specification and given its broadest reasonable interpretation can be construed as nothing more than program code. Therefore the claims are directed to nothing more than a program code per se and are non-statutory.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. **Claim 38 is rejected under 35 U.S.C. 102(e) as being anticipated by Gundewar et al. (6,381,610, hereafter Gundewar).**

As per claim 38, Gundewar discloses “A computer implemented method of implementing a project comprising the steps of:

generating a set of templates, each of the templates corresponding to respective tasks of the project to be performed” (col. 2, line 2 discloses templates associated with project tasks);

“retrieving respective templates in conjunction with performance of the respective tasks; using the templates to manage the project” (col. 4, line 48 – col. 5, line 44 discloses project tasks templates used to execute procedures related to the particular processes of the project);

“verifying at least one respective proof point on submission of a template as having been completed” (col. 6, line 56-60 discloses that the guidelines associated with filling out templates should include additional standards, documentation, quality assurance, where the additional standards, quality assurance, and documentation are

proof points and col. 8, line 50-67 discloses verifying quality assurance information [risk assessment] upon submission of the template).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**10. Claims 1,3, 5, 10, 15, 20-24, 28-30, 32, 34, and are rejected under 35 U.S.C. 103(a) as being unpatentable over Gundewar in view of Lowery (2000).**

As per claim 1, Gundewar discloses "A computer implemented method of managing a project, comprising steps of.

providing a set of templates, each of the templates corresponding to respective tasks of the project to be performed" (col. 2, line 2 discloses templates associated with project tasks);

"performing steps of the project in accordance with the templates" (col. 4, line 48 – col. 5, line 44 discloses project tasks templates used to execute procedures related to the particular processes of the project);

"automatically and periodically evaluating the progress of the project" (col. 7, line 44-67 discloses communicating the overall status of project planning to particular members at regular intervals).

Gundewar, however, fails to explicitly disclose "inputting a plurality of priorities for the project".

Lowery discloses managing projects with Microsoft Project 2000 inputting a plurality of priorities for a project (pg. 149 discloses setting priorities for tasks within the project).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system and method for implementing project procedures of Gundewar to include the inputting of task priorities as taught by Lowery in order to control how tasks are leveled in relation to one another.

As per claim 10, Gundewar discloses "A computer implemented method of implementing a project comprising the steps of:

generating a set of templates, each of the templates corresponding to respective tasks of the project to be performed" (col. 2, line 2 discloses templates associated with project tasks);

"retrieving respective templates in conjunction with performance of the respective tasks; using the templates to manage the project" (col. 4, line 48 – col. 5, line 44 discloses project tasks templates used to execute procedures related to the particular processes of the project);

"recording information in the templates, during the project" (col. 7, line 10 discloses templates that are to be filled out during the project).

"automatically adjusting a template in response to recorded information" (col. 8, line 66-col. 9, line 3 discloses automatically generating a summary template based on recorded data in each of the templates).

Gundewar, however, fails to explicitly disclose default templates.

Lowery discloses managing projects with Microsoft Project 2000 having default templates (pg. 377, Create a Project Based on a Microsoft Project Template discloses a list of a plurality of predefined or default templates designed for different industries and efforts).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system and method for implementing project procedures of Gundewar to include default templates as taught by Lowery in order to allow users to select a template that is tailored to a specific type of project.

As per claim 3, Gundewar et al. discloses "substantially all of the project is performed using the templates" (col. 4, line 48 – col. 5, line 44 discloses project task templates used to execute procedures related to the particular processes of the project)

As per claim 5, Gundewar discloses "the project includes a step of implementing an information technology project within an organization" (col. 1, line 10-11 discloses design projects such as the development of computer software, where the design project developing computer software is an information technology project).

As per claim 15, Gundewar discloses "the using step comprises a step of automatically suggesting content for one or more deliverables identified in at least



one of the templates" (col. 5, line 51-53 discloses a list of necessary inputs, a list of outputs and/or deliverables and entry and exit criteria).

As per claim 20, Gundewar discloses "generating step comprises a step of identifying proof points for a plurality of the tasks" (col. 6, line 56-60 discloses that the guidelines associated with filling out templates should include additional standards, documentation, quality assurance, where the additional standards, quality assurance, and documentation are proof points).

As per claim 21, Gundewar discloses all of the elements of the claimed invention but fails to explicitly disclose "the generating step comprises a step of assigning dependency links among the tasks".

Lower et al. discloses managing projects with Microsoft Project 2000 having "the generating step comprises a step of assigning dependency links among the tasks" (pg. 58, Building your Schedule Using Task Dependencies discloses specify dependencies between tasks).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system and method for implementing project procedures of Gundewar to include assignment of dependency links among tasks as taught by Lower et al. in order to identify those tasks that are dependent upon other tasks in the project.

As per claim 22, Gundewar discloses all of the elements of the claimed invention but fails to explicitly disclose "the using step comprises a step of automatically updating

templates based on changes to information in tasks that are identified in the dependency links”

Lower et al. discloses managing projects with Microsoft Project 2000 having “the using step comprises a step of automatically updating templates based on changes to information in tasks that are identified in the dependency links” (pg. 59, ¶ 4 discloses automatically recalculating the finish date of a successor task when the finish date of a predecessor task is pushed back).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system and method for implementing project procedures of Gundewar to include the automatic updating of templates based on changes to information in tasks that are identified in the dependency links as taught by Lower et al. since such would ensure that any changes in the project schedule will be reflected in all tasks that are affected.

As per claim 23, Gundewar discloses all of the elements of the claimed invention but fails to explicitly disclose “the dependency link identifies a successor task”.

Lower et al. discloses managing projects with Microsoft Project 2000 having “the dependency link identifying a successor task (pg. 59, ¶ 4 discloses identify a task dependency that has a successor task).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system and method for implementing project procedures of Gundewar to include the identification of a successor task as

taught by Lower et al. since such would facilitate the updating of tasks and project schedules.

As per claim 24, Gundewar discloses all of the elements of the claimed invention but fails to explicitly disclose "the dependency link identifies a successor task".

Lower et al. discloses managing projects with Microsoft Project 2000 having "the dependency link identifying a predecessor task (pg. 59, ¶ 1 discloses identify the predecessors for a task).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system and method for implementing project procedures of Gundewar to include the identification of a predecessor task as taught by Lower et al. since such would facilitate the updating of tasks and project schedules.

As per claim 28, Gundewar discloses "electronically recording feedback information for future projects" (col. 8, line 54-60 discloses electronically submitting risk assessment feedback from project team members)

As per claim 29, Gundewar discloses "linking feedback information to one or more of the templates" (col. 7, line 35-43 discloses a project repository module collating and summarizing responses to risk assessment feedback, where this feedback is added to the project workspace that is linked to all other templates for the project)

As per claim 30, Gundewar discloses "generating step comprises a step of linking respective reference material to each of a plurality of the templates" (col. 6, line

45 discloses links or selectable references to particular corporate industry policies or standards from policy and standard database associated with the particular process.

As per claim 32, Gundewar discloses all of the elements of the claimed invention but fails to explicitly disclose "each of the templates has the same format".

Examiner takes Official Notice that it is old and well known to use templates having the same format. Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system and method for implementing project procedures of Gundewar to include templates having the same format in order to eliminate the risk of having compatibility issues between the templates.

As per claim 34, the Gundewar and Lowery combination discloses all of the elements of the claimed invention but fails to explicitly disclose "automatically determining that a previously completed task needs to be performed again".

It would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system and method for implementing project procedures of the Gundewar and Lowery combination to include determining that a previously completed task needs to be performed again because it is old and well known to verify that process steps have been performed properly in order to determine whether or not any step or task would need to be performed again in the event that an error was made. It is also old and well known to perform multiple iterations of a task in order to perfect that particular task.

As per claim 35 the Gundewar and Lowery combination discloses all of the elements of the claimed invention but fails to explicitly disclose "altering the input priorities".

It would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system and method for implementing project procedures of the Gundewar and Lowery combination to include the altering of the input priorities because it is old and well known to update, change, or modify information.

**11. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gundewar in view Lowery and further in view of Borton (2001/0047274).**

As per claim 6, Gundewar discloses "the performing step includes a step of designing a product" (col. 1, line 10-11 discloses design projects such as the development of computer software, where there, inherently, is a step of designing a product in a project for designing a computer software).

The Gundewar and Lowery combination, however, fails to explicitly disclose "one or more of the templates is populated with design information in advance of performing the design step"

Borton discloses activity based business modeling having templates that are pre populated with information (§ 46 discloses where certain data for the model is unknown, a user can use pre populated templates with typical data, where if a template is pre populated, it is populated before completing any other steps with regard to that template).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system and method for implementing project procedures of The Gundewar and Lowery combination to include the pre populated template as taught by Borton in order to have pertinent design information available before performing any actions related to the design of the product.

As per claim 7, The Gundewar and Lowery combination discloses all of the elements of the claimed invention but fails to explicitly disclose “the step of providing a set of templates comprises a step of providing templates pre populated with information for use in the project”.

Borton discloses activity based business modeling having templates that are pre populated with information (§ 46 discloses where certain data for the model is unknown, a user can use pre populated templates with typical data, where if a template is pre populated, it is populated before completing any other steps with regard to that template).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system and method for implementing project procedures of The Gundewar and Lowery combination to include the pre populated template as taught by Borton in order to have pertinent information available before performing any actions related to the project task.

**12. Claims 8, 16-18, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gundewar in view of Lowery and further in view of Kaufer et al. (6, 519, 763).**

As per claim 8, The Gundewar and Lowery combination discloses all of the elements of the claimed invention but fails to explicitly disclose "one or more of the templates includes information specifying a confidence factor for a respective activity for the template".

Kaufer et al. discloses a time management and task completion and prediction software specifying a confidence factor for a respective activity (col. 9, line 55 discloses task confidence levels, where the confidence levels are confidence factors).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art 'at the time the invention was made to modify the system and method for implementing project procedures of The Gundewar and Lowery combination to include the confidence levels as taught by Kaufer et al. in order to monitor task completions.

As per claim 16, The Gundewar and Lowery combination discloses all of the elements of the claimed invention but fails to explicitly disclose "the generating step comprises a step of assigning a confidence factor to each of a plurality of the tasks".

Kaufer et al. discloses a time management and task completion and prediction software assigning a confidence factor to each of a plurality of the tasks (col. 9, line 55 discloses task confidence levels, where the confidence levels are confidence factors).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system and method for implementing project procedures of The Gundewar and Lowery combination to include the confidence levels as taught by Kaufer et al. in order to monitor task completions.

As per claim 17, The Gundewar and Lowery combination discloses all of the elements of the claimed invention but fails to explicitly disclose “the using step comprises a step of modifying one of the confidence factors during performance of its respective task”.

Kaufer et al. discloses a time management and task completion and prediction software having a “step of modifying one of the confidence factors during performance of its respective task” (col. 18, line 28-40 discloses time completion for a project is increased or decreased from the total duration as delays in the project occur, the new confidence data is then fitted to a prediction curve and a new confidence level is then assigned to the task completion).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system and method for implementing project procedures of The Gundewar and Lowery combination to include the modification of confidence factors during performance of its respective task since such would ensure the predicted task completions are updated as needed.

As per claim 18, the Gundewar, Lowery, and Kaufer et al. combination discloses all of the elements of the claimed invention but fails to explicitly disclose “determining an aggregated confidence factor, based on confidence factors of a plurality of tasks”.

It would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system and method for implementing project procedures of the Gundewar et al. Kaufer et al. combination to include the aggregation



of confidence factors because it is old and well known to sum together similar values or terms.

As per claim 19, Gundewar further discloses "the using step comprises steps of: retrieving information for a group of the tasks" (col. 6, line 8 discloses that a user can review inputs by looking at completed templates);

"and identifying areas of risk for the project, based on the retrieved information (col. 7, line 23-25 discloses team members may be required to complete a risk evaluation to ensure adequate coverage of risk assessment in all aspects of the project implementation, where it is inherent that team members must use information about the project tasks in order to complete a thorough risk assessment of the projects).

As per claim 31, Gundewar et al. discloses all of the elements of the claimed invention but fails to explicitly disclose "assigning a respective automated alert criterion to each of a plurality of the tasks"

Kaufer et al. discloses a time management and task completion and prediction software "assigning a respective automated alert criterion to each of a plurality of tasks" (col.5, line 38-51 discloses alerts are utilized by the system as a mechanism for notifying team members when there are potential problems with the project, such as when deadlines have not been met or task completion is projected to delay the given project completion schedule, where the criterion includes deadlines not being met and task completion delays).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system and method for implementing

project procedures of The Gundewar and Lowery combination to include the alert criterion as taught by Kaufer et al. in order to ensure that all team members will be aware of any delays or problems that may occur during the course of the project.

**13. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gundewar in view of Lowery in view of Kaufer and further in view of Smith et al. (6,609,100, hereafter Smith).**

As per claim 14, The Gundewar and Lowery combination discloses all of the elements of the claimed invention but fails to explicitly disclose "the generating step comprises the step of providing question and answer prompts to assist in completing one or more tasks"

Smith et al. discloses a program planning management system providing question and answer prompts (claim 11 discloses prompting a user regarding editing and to allow the user, by answering said questions displayed in display screen, to define and edit attributes).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system and method for implementing project procedures of The Gundewar and Lowery combination to include the question and answer prompts as taught by Smith et al. since such would facilitate the construction of templates for use in the project.

**14. Claims 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gundewar in view of Lowery and further in view of Ahamparam et al. (2003/0135399).**

As per claim 25, Gundewar discloses all of the elements of the claimed invention but fails to explicitly disclose "the generating step comprises a step of identifying success factors for each of a plurality of the tasks".

Ahamparam et al. discloses a system and method for project optimization having a step of identifying "success factors for each of a plurality of tasks" (§ 41 disclose identifies front end critical success factors).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system and method for implementing project procedures of Gundewar et al. to include the identification of success factors as taught by Ahamparam et al. in order to identify and monitor areas of risk.

As per claim 26, Gundewar et al. discloses all of the elements of the claimed invention but fails to explicitly disclose "evaluating the success factors for each of a plurality of the tasks".

Ahamparam et al. discloses a system and method for project optimization having a step of "evaluating the success factors for each of a plurality of the tasks" (§ 42 discloses benchmarking risks/success factors against the industry best in class scores to offer a more accurate prediction of the project's success, where the benchmarking is an evaluation).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system and method for implementing project procedures of Gundewar et al. to include the evaluation of success factors as taught by Ahamparam et al. in order to be aware the status of the risks and success factors associated with risks.

As per claim 27, Gundewar et al. discloses "initiating actions in response to submission of a template" (col. 8, line 50-53).

Gundewar et al., however, fails to explicitly disclose "evaluating a success factor for a task". Ahamparam et al. discloses a system and method for project optimization having a step of "evaluating the success factors for each of a plurality of the tasks" (§ 42 discloses benchmarking risks/success factors against the industry best in class scores to offer a more accurate prediction of the project's success, where the benchmarking is an evaluation).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system and method for implementing project procedures of Gundewar et al. to include the evaluation of success factors as taught by Ahamparam et al. in order to be aware the status of the risks and success factors associated with them.

**15. Claims 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gundewar and further in view of Srinivasan (RE38,633).**

As per claim 33, Gundewar discloses "A computer implemented system for managing a project, the system comprising a maintenance module to maintain the

templates during performance of the project” (col. 4, line 34-col 5, line 67 discloses a project repository module that maintains the templates used in the system).

Gundewar, however, fails to explicitly disclose “a priorities module to monitor compliance with a set of priorities for the project; and a feasibility module to monitor whether a project may still be successfully completed”.

Srinivasan discloses an automated, electronic network based, project management server system having a priorities module to monitor compliance with a set of priorities for the project (see col. 3, line 15-30);

And a feasibility module to monitor whether a project may still be successfully completed (col. 7, line 55-60 discloses generating reports on time/cost overruns and critical path analysis, where it is inherent that feasibility is monitored in order for reports to be generated.

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system and method for implementing project procedures of Gundewar to include the priority module and feasibility module as taught by Srinivasan in order to ensure that all tasks are being completed on time and in the proper order.

**16. Claims 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gundewar in view of Lowery in view of Ahamparam and further in view of Kaufer.**

As per claim 36, the Gundewar and Lowery combination discloses all of the elements of the claimed invention but fails to explicitly disclose “at least one of the

templates includes success factors and an alert condition based on the success factors; and devaluating step is performed in response to identification of the alert condition”.

Ahamparam et al. discloses a system and method for project optimization having a step of “evaluating the success factors for each of a plurality of the tasks” (§ 42 discloses benchmarking risks/success factors against the industry best in class scores to offer a more accurate prediction of the project’s success, where the benchmarking is an evaluation).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system and method for implementing project procedures of Gundewar et al. to include the evaluation of success factors as taught by Ahamparam et al. in order to be aware the status of the risks and success factors associated with risks.

Kaufer et al. discloses a time management and task completion and prediction software assigning a respective automated alert criterion to each of a plurality of tasks (col.5, line 38-51 discloses alerts are utilized by the system as a mechanism for notifying team members when there are potential problems with the project, such as when deadlines have not been met or task completion is projected to delay the given project completion schedule, where the criterion includes deadlines not being met and task completion delays).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system and method for implementing project procedures of The Gundewar, Lowery, and Ahamparam combination to include

the alert criterion as taught by Kaufer et al. in order to ensure that all team members will be aware of any delays or problems that may occur during the course of the project.

As per claim 37, Gundewar discloses initiating actions in response to submission of a template (col. 8, line 50-53).

The Gundewar and Lowery combination discloses all of the elements of the claimed invention but fails to explicitly disclose "evaluating a success factor for a task". Ahamparam et al. discloses a system and method for project optimization having a step of "evaluating the success factors for each of a plurality of the tasks" (§ 42 discloses benchmarking risks/success factors against the industry best in class scores to offer a more accurate prediction of the project's success, where the benchmarking is an evaluation).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system and method for implementing project procedures of the Gundewar and Lowery combination to include the evaluation of success factors as taught by Ahamparam et al. in order to be aware the status of the risks and success factors associated with them.

### ***Response to Arguments***

17. Applicant's arguments filed July 8, 2008 have been fully considered but they are not persuasive.

With respect to the traversal of Examiner's previous 35 U.S.C. 112, first paragraph rejection of claims 8 and 16-18, Applicant has not explained sufficiently in the specification how the confidence factors are determined, thereby failing to enable

someone of ordinary skill in the pertinent art of how to make or use the invention as intended by the Applicant. Once the confidence factor has been determined, a person of ordinary skill in the art *may* be able to assign it to a particular task with appropriate direction, however, there is no direction provided by the specification as to how to even come up with the confidence factors in the first place. Because of the above stated reasons, Examiner maintains this rejection.

Applicant's arguments with respect to claim 10 have been considered but are moot in view of the new ground(s) of rejection.

With respect to claims 25-27, 36, and 37, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In the instant case, Ahamparam discloses evaluating success factors for a particular project, however, Gundewar discloses tasks within a project. Examiner asserts that given the knowledge of evaluating success factors of a project, it would have been obvious to a person of ordinary skill in the art to evaluate success factors for a particular task within a project. Therefore, combining Ahamparam and Gundewar is something that a person of ordinary skill in the art would have been able to do prior to the filing of this application.

In response to arguments in reference to claims 3, 5-8, 14-16, 20-21, 25, 28-32, 34, and 35, all rejections made towards the dependent claims are maintained due to a lack of reply by the applicant in regards to distinctly and specifically pointing out the



supposed errors in the examiner's prior office action (37 CFR 1.111). The Examiner asserts that the applicant only argues that the dependent claims should be allowable because the independent claims are unobvious and patentable over the prior art.

***Conclusion***

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **CANDICE D. CARTER** whose telephone number is (571) 270-5105. The examiner can normally be reached on Monday thru Thursday 7:30am- 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. D. C./  
Examiner, Art Unit 3629

/John G. Weiss/  
Supervisory Patent Examiner, Art Unit 3629